

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - Police – Disciplinary proceedings against Sri B.Balanarasimha Reddy, formerly DSRP (now retired) – Further action dropped – Orders – Issued.

HOME (SERVICES-I) DEPARTMENT

G.O.Rt.No. 182

Dated: 30/01/2010
Read the following:-

1. From the Director General of Police, A.P. Hyderabad, Letter Rc.No.456/O2/03, dated 28.9.2005.
2. From the Director General of Police, A.P. Hyderabad, Letter Rc.No.456/O2/03, dated 15.7.2006.
3. Govt.Memo No.29680/Ser.I/A2/2005-7, dated 9.9.2006.
4. Govt.Memo No.29680/Ser.I/A2/2005-8, dated 2.2.2007.
5. From Sri B.Balanarasimha Reddy, Deputy Superintendent of Police (Retired), Explanation dated 15.5.2007.
6. Govt. Letter No.29680/Ser.I/A2/2005-13, dated 23.7.2007.
7. From the Secretary, Andhra Pradesh Public Service Commission, Hyderabad, Letter No.1072/Rt-I/3/2007, dated 13.9.2007.
8. From the Hon'ble Tribunal orders dated 13.2.2009 in O.A. No.3522/2007 & O.A.No.8626/2005 with C.A.No.205/2006.
9. Govt. Memo No.29680/Ser.I/A2.2005, dated 30.3.2009.
10. From the Hon'ble High Court of A.P., orders dated 17.11.2009 in W.P. Nos.12925 and 15833 of 2009.
11. From Sri B.Balanarasimha Reddy, Deputy Superintendent of Police (Retired), Representation dated 30.11.2009.
12. From the Director General of Police, A.P., Hyderabad Letter Rc.No.456/O2/2003, dated 4.1.2010.

O-O-O

O R D E R :

The Director General of Police, A.P. Hyderabad in his letter 1st read above has reported that Sri B.Balanarasimha Reddy, formerly DSRP Guntakal availed Real Estate Mortgage Loan of Rs.3,60,000/- on 5.2.2000 from Anantapur District Co-operative Central Bank Ltd. and defaulted in repayment of the same and the loan become an NPA to the Bank for Rs.4,62,500/-, and the Collector, Anantapur has requested the Director General of Police, Hyderabad to give suitable instructions to the above Officer to pay back the entire loan amount with interest due to the bank. Accordingly, Director General of Police, Hyderabad has issued instructions to the said DSRP to repay the loan amount, but the individual failed to comply with instructions. Hence the Director General of Police, Hyderabad issued an article of charge to the said Officer under Rule 22 of APCS (CC&A) Rules, 1991 vide Memo Rc.No.456/GE.II/A2/2003, dated 17.12.2004. Subsequently, the individual had retired from service on superannuation on 31.12.2004 and submitted explanation dated 27.8.2005. Since the Officer retired from service, the D.G.P., Hyderabad has forwarded the entire case to the Government, for taking further necessary action under Rule-9 of A.P. Revised Pension Rules, 1980.

2. In the reference 2nd read above, the Director General of Police, Hyderabad has further reported that the Principal Senior Civil Judge, Anantpur has given attachment orders in PP No.187/05 in OS No.167/02 for recovery of an amount of Rs.2,50,000/- from leave salary of the above said Deputy Superintendent of Police (Retired) and in another attachment orders of the Hon'ble Court ordered to recover an amount of Rs.1,00,000/- from the leave salary. These two orders have to be honoured. Therefore, he has requested the Govt. to issue necessary instructions to the Collector & District Magistrate, as well as Anantapur District Co-operative Central Bank Ltd., Anantapur to take necessary action to move into action the mortgage deed executed by Sri B.Balanarasimha Reddy, DSP (Retd) and auction the mortgage property to redeem the outstanding loan to the bank as the department could not take any action to get refunded the above loan due to statutory rules preventing the department for such action to refund the loan from the pensionary benefits of the individual.

3. Government after careful examination of the entire matter, issued instructions to the District Collector, Ananthapur, to take action on the mortgage deed executed by Sri B.Balanarasimha Reddy, DSP (Retired), vide reference 3rd read above.

4. The disciplinary proceedings, which were initiated against Sri B.Balanarasimha Reddy, formerly DSP (now retired), under Rule 22 of APCS (CC&A) Rules, 1991 have to be concluded under Rule 9 of A.P. Revised Pension Rules, 1980. Since, the charged officer has admitted the charge framed against him, there is no need to conduct further enquiry. Therefore, Government have provisionally decided to impose the penalty of 5% cut in pension for a period of three (3) years on the charged officer, for his default in repayment the outstanding loan

amount. This punishment does not preclude the authorities concerned to take appropriate action to recover the outstanding amount of loan including interest accrued thereon. Accordingly, a show cause notice was issued to the said Retired Charged Officer duly indicating the quantum of cut in pension, as required under A.P. Revised Pension Rules, 1980, vide reference 4th read above.

5. In the reference 5th read above, the Charged Officer has submitted his explanation dated 15.5.2007 on the proposed punishment and requested the Govt. to drop the proposed penalty of 5% cut in pension for three years, for the reasons mentioned therein.

6. After careful examination of the explanation of the charged officer, Government have observed that there are no new grounds for reconsideration of the decision of the Government and sought the advice of the Andhra Pradesh Public Service Commission on the imposition of penalty of 5% cut in pension for a period of three years on Sri B.Balanarasimha Reddy, DSP (Retired), vide letter 6th read above.

7. The Secretary, APPSC, in his letter 7th read above, has stated that the Commission agreed with the proposal of the Govt. to impose punishment of 5% cut in pension for a period of three years on Sri B.Balanarasimha Reddy, D.S.P. (Retd) and advised accordingly.

8. While the matter stood thus, Sri B.Balanarasimha Reddy, DSP (Retired) has filed O.A.No.3522/2007 before Hon'ble APAT, challenging the show cause notice issued in Govt. Memo No.29680/Ser.I/A2/2007-8, dated 2.2.2007. The Hon'ble Tribunal in its orders dated 13.2.2009, set aside the said show cause notice dated 2.2.2007, with a directions to release the pension of the applicant from the date of his retirement along with retirement benefits.

9. The Director General of Police, Hyderabad has filed W.P.Nos.12925/2009 and 15833/2009 in the Hon'ble High Court, against the above said orders of Hon'ble Tribunal. The Hon'ble High Court in its order dated 17.11.2009, disposed of the both the Writ Petitions observing that the omission or inaction on the part of Sri B.Balanarasimha Reddy, DSP (Retd) cannot be construed as misconduct within the meaning of Conduct Rules and the charges framed does not appear to be a misconduct relating the working or discharge of duties by him while serving as Govt. servant. It is only the irregularity relating to his conduct and the contribution. Finally, permitted the respondent to submit his explanation to the show cause notice dated 2.2.2007 within two weeks and the petitioners shall consider the same in the light of all attending circumstances and keeping in view of the explanation of the respondent already furnished earlier and the one permitted hereunder and pass appropriate final orders within four weeks thereafter.

10. Accordingly, in the reference 11th read above, Sri B.Balanarasimha Reddy, DSP (Retired) has submitted a representation to the Government, stating that he has not caused any pecuniary loss to the Govt. or to the local authorities or committed any service or grave misconduct/ negligence during the period of his service. Hence, the proposed penalty of 5% cut in pension for a period of three years for default in payment of outstanding loan to ADCC Bank Ltd., Ananthapur does not come under the provisions of Rule 9 of A.P. Revised Pension Rules, 1980. Therefore, he has requested the Govt. to consider his explanation objectively and drop the proposed penalty.

11. After careful examination of the entire matter, Government hereby **drop further action** in the disciplinary proceedings initiated against Sri B.Balanarasimha Reddy, formerly DSRP, Guntakal (now retired).

12. The Director General of Police, A.P., Hyderabad is requested to take necessary follow up action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director General of Police, A.P., Hyderabad (w.e)

(**original PF** of Sri B.Balanarasimha Reddy, DSP (Retired) is enclosed
and its receipt be acknowledged)

The Individual concerned

through Director General of Police, A.P. Hyderabad

Copy to:

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

The Accountant General of Andhra Pradesh (A&E), Hyderabad.

The Govt. Pleader for Services-I, High Court of A.P., Hyderabad.

SF/SC

// Forwarded :: by order //

SECTION OFFICER